

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
AMARILLO DIVISION

WILBERT RAY HUTSON, PRO SE,	§	
TDCJ-CID #1063914,	§	
	§	
Plaintiff,	§	
	§	
V.	§	2:04-CV-0191
	§	
Warden NFN VOGELGESANG,	§	
	§	
Defendant.	§	

MEMORANDUM OPINION AND ORDER OF DISMISSAL

Plaintiff WILBERT RAY HUTSON, proceeding *pro se* and while a prisoner incarcerated at the Pampa Intermediate Sanction Facility, has filed suit pursuant to Title 42, United States Code, Section 1983 complaining against the above-named defendants.

On March 24, 2005, the Court issued a Notice of Deficiency Order giving plaintiff thirty days to cure various deficiencies by submission of an I.F.P. Data Sheet and a completed Application to Proceed In Forma Pauperis, as well as submitting an amended complaint containing his claims set forth on the form promulgated by the Court.

The response period has expired, and no response has been received from plaintiff. It appears plaintiff has abandoned his suit and his claims for relief.

It is the conclusion of the United States District Judge that plaintiff has abandoned this cause and such cause should be dismissed for failure to prosecute. *Link v. Wabash Railroad Co.*, 370 U.S. 626, 82 S.Ct. 1386, 8 L.Ed.2d 734 (1962) (court possesses inherent power to dismiss sua sponte for lack of prosecution).

IT IS THEREFORE ORDERED:

The referral of the instant cause to the United States Magistrate Judge is hereby withdrawn.

This Civil Rights Complaint is DISMISSED WITHOUT PREJUDICE FOR FAILURE TO PROSECUTE.

LET JUDGMENT BE ENTERED ACCORDINGLY.

The Clerk will mail a copy of this Order to the plaintiff and to any attorney of record by first class mail.

IT IS SO ORDERED.

ENTERED this 23rd day of May, 2005.

/s/ Mary Lou Robinson
MARY LOU ROBINSON
UNITED STATES DISTRICT JUDGE